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January 316, 2006

Ms. Constance C. Holland, AICP  
Director  
The State of Delaware  
Office of State Planning  
540 S. Dupont Highway, Suite 7  
Dover, DE 19901

**RE: WOODS EDGE CONDOMINIUM/TOWNHOUSE DEVELOPMENT  
PLUS NO. 2005-11-08  
ECI PROJECT NO. 05-052**

Dear Ms. Holland:

Thank you for the opportunity to showcase our Woods Edge project to your committee. In response to your letter of December 23, 2005, we offer the following comments:

### **STATE STRATEGIES/PROJECT LOCATION**

We understand that this project is located in an Investment Level 2 and Level 3, according to the Strategies for State Policies and Spending. We further recognize that the project is located within a Kent County Growth Zone. We welcome the support of the Planning Office with regard to this project.

### **STREET DESIGN & TRANSPORTATION**

We understand that DelDOT will not accept the streets in a condominium development for State Maintenance. Therefore, it will be the intention of the developer to have the streets privately maintained by the Home Owners Association, to be established as a part of the proposed condominium.

With regard to roadway improvements along Carpenters Ridge Road, the developer understands the need to upgrade the roadway to reflect improvements contained within the comment letter. ECI will work with DelDOT to analyze and develop the proposed pavement section and a recommended overlay thickness at the proposed entrance. With regard to realignment and extension of stub streets to Tax Parcels SM-00-141-01-19.02 and 19.04, both of these parcels are relatively small and already have individual homes on them and therefore would be unsuitable for development. Further, based upon the Delaware Department of Transportation's decision that the roadways will not dedicated

for public use, but maintained as a private roadway system, the developer feels that the connections to adjacent properties would be contrary to the development of a neighborhood and result in additional costs for roadway maintenance that would not be advantageous to the residents of the condominium/townhouses.

### **NATURAL AND CULTURAL RESOURCES**

The plan, as proposed, allows for a buffer greater than 100 feet along the delineated wetland lines, around the perimeter of the property. With regard to unmarked human remains, the developer is aware of the possible delays associated with discovery of unmarked human remains on this site. If such an occasion arises, it would be the intention of the developer and builder, to contact the Department as soon as such remains are uncovered. With regard to landscaping, it is anticipated that extensive in-fill landscaping will be provided as a part of the landscape package, to be made a part of the final design of this project.

### **DEPARTMENT OF TRANSPORTATION**

As referenced above, the developer is willing to contribute its fair share of new roadway improvements along Carpenters Bridge Road and to participate in the identified roadway improvements made a part of the Tuscany Estates and the Twin Farms project, also known as Johnnycake Landing.

We recognize that DelDOT will not accept dedication or maintenance responsibilities within a condominium and will arrange to have the roads made a part of the Home Owners Association.

With regard to roadway right of way and multi-modal paths, ECI will incorporate these issues into the development of a final plan as the project proceeds. In addition, ECI will coordinate roadway improvements with DelDOT, as the project unfolds. With regard to dead end streets, made a part of our proposal, our response is fully addressed previously within this correspondence.

### **DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL**

#### **Soils**

ECI recognizes the location of Johnston soils on this site. A review of the site plan indicates that areas in which this soil is prevalent have been divorced from development activities. The plan as presented allows for development in the Sassafras soils, which are well drained, upland soils that have little to no limitation for development activities.

### **Wetlands**

As discussed previously, this plan fully respects the wetlands as they occur on site. In fact, the closest proposed structure is approximately 120' from the delineated wetland line made a part of the plan submittal. It is the intention of the developer to respect the wetlands and to avoid development within the buffers where possible. With regard to wetland locations, it is the intention of the developer to forward the wetland delineation, as shown on the plan submittal, to the United States Army Corps of Engineers, Philadelphia District, for a Jurisdictional Determination. Based upon previous experience with the Philadelphia District, it is anticipated that representatives of the District will accept the wetland line depicted on the plan submittal.

### **Impervious Cover**

ECI recognizes the impact of impervious cover within the project's drainage basin. It will be the intention of ECI, as a part of the final design for this project, to fully utilize Best Management Practices (BMP's) to mitigate downstream impacts.

### **TMDL's**

We anticipate compliance with TMDL requirements once they are adopted. As such, a nutrient budget will be calculated for this project, utilizing acceptable computer based models. ECI will compare pre- to post-development loading rates, to assess the amount of TMDL reduction produced.

### **Water Resource Protection Areas**

With regard to water resources protection, please be advised that based upon preliminary calculation, it appears that this project will not adversely affect the well head protection area for ILC, Dover. In fact, our calculations indicate that the total amount of impervious cover for this project will be in the vicinity of 21%, far less than the 50% criteria referenced within the correspondence. Additionally, based upon the supplied map, it appears that the ILC well head protection area overlaps this parcel by only approximately 20 feet.

### **Water Supply**

As depicted on our application, it is anticipated that this project will either utilize the proposed waterline, to be constructed by Tidewater Utilities or the waterline to be constructed by Artesian, for the supply of potable water and fire protection at this project. At present, we do not anticipate the need to drill a potable water supply well. With regard to dewatering, should that be necessary, the developer is aware of the restrictions and need to obtain permits from the Department.

### **Soil Erosion Sedimentation Control Stormwater Management**

The developer and his engineer are well versed in the requirements for stormwater management and the control of sediment and erosion on development sites. The notes referenced within the PLUS correspondence will be addressed on the final plan of record and a clear statement defining the maintenance requirements for stormwater management facilities will be clearly depicted on the plan. The eight issues made a part of the PLUS correspondence will be specifically referenced and make a part of the final plans prepared for the project. It will be the intention of ECI to have a pre-application meeting with the Kent County Soil Conservation District to discuss, in depth, the stormwater management practices to be employed on this project, along with how soil erosion and sedimentation control will be affected.

### **Drainage**

Issues brought forth in this section of the correspondence will be fully addressed in our submittals to the Kent County Conservation District. ECI recognizes the importance of maintaining the normal flow of drainage, upstream of the project through the project. Under no circumstances will the project impede normal flow of stormwater throughout the project. As discussed elsewhere within this correspondence, the final design of the project will include extensive measures to address stormwater runoff and associated nutrient loads.

### **Floodplains**

It recognized that certain portions of the site are located within the 100-year floodplain. The plan, as presented, respects the floodplain and keeps all of the development activities out of the floodplain. In fact, the nominal elevation of the site is in the vicinity of 20'. Well above any published floodplain as established by the Federal Emergency Management Agency.

### **Forest Preservation**

A review of the project plan indicates that substantial amounts of the existing forest are being preserved. It should be noted however, that much of the forest surrounding the project is comprised of secondary growth with a limited number of specimen trees, located throughout the woodlands. Irregardless, it is the intention of the developer to preserve the wooded areas in a manner consistent with the plan submitted and good management practices.

### **Open Space**

The Woods Edge project reserves over 75% of the project site as open space. A review of the plan indicates that substantial amounts of open space are included around the entire perimeter of the project and a large open space recreation area is included in the court yard contained within the center of the project. The court yard will be utilized to provide active, recreational opportunities to the residents of Woods Edge.

### **Rare Specimens**

ECI has conducted a search of the rare endangered species listings for this project site. The results of our investigations indicate that within the project boundaries here are no known species that are rare or endangered on site.

### **Natural Areas Inventory**

ECI recognizes the concerns of the Office of Natural Preserves. However, it must be pointed out to the Office of Natural Preserves, that the State's Strategies promulgated by Livable Delaware, have identified this area as a Level 2 and 3 Investment Level, reflects a growth area identified by the State Planning Office. In addition, Kent County delineated the project site as a Growth Zone. It would appear that this apparent conflict between State and County agencies is an issue to be addressed by those agencies. The developer is sensitive to impacting wildlife habitat areas. The plan, as presented, provides corridors along the delineated wetlands located around the perimeter of the property that will be preserved as part of the Woods Edge plan.

### **Recreation**

Significant recreation areas are provided by this plan. Sidewalks along both sides of the street are proposed, along with extensive interconnected walking trails for exercise, including trails throughout the center court yard of the project. Opportunities for recreation will include work-out stations along a trail network, tot-lots, and other site amenities that will allow both active and passive recreational pursuits.

### **Underground Storage Tanks**

Based upon the Phase I Environmental Site Assessment, conducted by ECI, there are no underground storage tanks located on the project site.

### **Solid Waste**

Woods Edge, like any other land development project, will generate solid waste. It is the intention of the developer to arrange for central pick-up of solid waste by a reputable solid waste hauler and disposal at appropriate solid waste disposal sites, located within the state of Delaware. As part of the Home Owners Association, the developer will encourage recycling by the residents by delineating off site State sponsored areas where recycling activities can be conducted.

### **Air Quality**

This issue is an issue that the developer will address via the utilization of Energy Star appliances. Typically, energy conservation issues addresses as a part of the Woods Edge project will include Energy Star appliances, increased insulation, high performance windows, upgraded heating and air conditioning systems, and efficient water heating facilities.

### **STATE FIRE MARSHAL'S OFFICE**

ECI is aware of the rules and regulations as promulgated by the State Fire Marshal's Office. It is the intention of the developer and ECI to fully comply with these issues and to file appropriate plans for review by the State Fire Marshal's Office, as the plan advances. With regard to gas piping, at present there are no plans within the Woods Edge project, to provide a central gas system. If however, a gas utility elects to construct a distribution system along Carpenters Bridge Road, the developer may pursue the option of obtaining gas service for this project. Should that be the case, the construction of gas piping, through the residential units, will be in direct conformance with all applicable fire protection standards.

With regard to plan notes, the plans will be anointed with the notes made a part of the Fire Marshal comments.

### **DEPARTMENT OF AGRICULTURE**

The developer welcomes the Notice of No Objection by the Department of Agriculture and the Delaware Forest Service. As mentioned elsewhere in this document, efforts to mitigate the loss of woodlands will be taken, and preservation of wetland corridors will be made a part of the overall plan. The developer is aware of Agriculture Use protections currently in place with the state of Delaware and will comply with the notice requirements to notify future residents of the project, of the sites location within the Agricultural District. With regard to right tree for right place, native landscape, and tree mitigation, it will the intention of the developer to provide extensive landscaping, preserve woodlands where possible, and utilize natural landscapes in the development of this project.

Ms. Constance C. Holland, AICP  
Director  
The State of Delaware  
Office of State Planning  
January 31, 2006  
Page 7

**PUBLIC SERVICE COMMISSION**

With regard to public water supply, discussion with Tidewater Utilities and Artesian are ensuing, as both entities anticipate providing water services to locations in the immediate vicinity of this project. The developer recognizes the need for the filing of a CPCN and upon final negotiations with a water supplier, will require the utility to develop a CPCN for the project site.

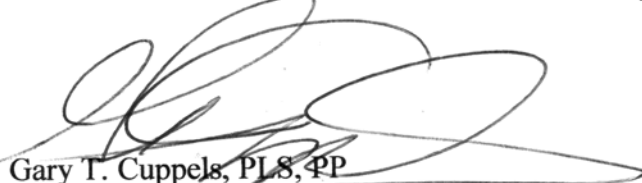
**DELAWARE STATE HOUSING AUTHORITY**

The developer recognizes the demographics associated with incomes and medium home costs within the Kent County geographic area. The developer will utilize this information as a part of his marketing scheme, to position this project in a market that will be compatible with the market participants.

I hope that the responses contained within this correspondence will adequately address the concerns of the agencies reviewing this project. Should you have any questions or concerns related to these responses and the project in total, please feel free to contact me directly.

Very truly yours,

**Environmental Consultants International Corporation**



Gary T. Cuppels, PLS, PP  
Chief Operating Officer